

**Rules of the Minnesota State Board of
Continuing Legal Education**
(with amendments effective July 1, 2016)

INDEX

1. Purpose
2. Definitions
3. State Board of Continuing Legal Education
 - A. Membership of the Board
 - B. Terms of Members
 - C. Officers of the Board
 - D. Authority of the Board
 - E. Board Procedures
 - F. Confidentiality
 - G. Persons with Disabilities
 - H. Payment of Expenses
4. Applying for Credit; Fees
 - A. Course Approval and Fee Information
 - B. Professional Responsibility or Ethics: General Treatment
 - C. Sanctions for Failure to Include Ethics
 - D. Law and Literature
 - E. Notice of Credit
5. Standards for Course Approval
 - A. General Standards
 - B. Standards for Course Approval for In-House Courses
6. Special Categories of Credit
 - A. Ethics and Professional Responsibility
 - B. Elimination of Bias in the Legal Profession and in the Practice of Law
 - C. Pro Bono Legal Representation
7. Other Credit
 - A. Teaching Credit
 - B. Courses at Universities
 - C. Retroactive Credit
8. Announcement of Approval
9. Affidavit of CLE Compliance
 - A. Contents of Affidavit
 - B. Special Categories of Credit
 - C. Timely Affidavit
 - D. Late Affidavit Fee

- E. Notice of Noncompliance Fee
- F. Active Duty Military Service

10. Director's Determinations and Board Review

- A. Director's Determinations
- B. Board Review

11. Notice of Noncompliance

- A. Notice Required
- B. Service of Notice
- C. Contents of Notice
- D. Effect of Notice
- E. Board Hearing
- F. Decision
- G. Petition for Review

12. Restricted and Involuntary Restricted Status

- A. Election of Restricted Status
- B. Restrictions Imposed
- C. Transfer from Restricted Status to Active Status
- D. Transfer from Involuntary Restricted Status to Active Status
- E. Transfer from Involuntary Restricted Status to Voluntary Restricted Status

13. Retired Status

- A. Transfer from Active Status to Retired Status
- B. Transfer from Retired Status to Active Status

14. Emeritus Status

- A. Qualification
- B. Limitation of Practice
- C. Contents of Emeritus Affidavit Appendix IV
- D. Transfer to Emeritus Status
- E. Expiration of Emeritus Status
- F. Renewal of Emeritus Status

RULES OF THE MINNESOTA STATE BOARD OF CONTINUING LEGAL EDUCATION

Rule 1. Purpose

The purpose of these Rules is to require that lawyers continue their legal education and professional development throughout the period of their active practice of law; to establish the minimum requirements for continuing legal education; to improve lawyers' knowledge of the law; and through continuing legal education courses, to address the special responsibilities that lawyers as officers of the court have to improve the quality of justice administered by the legal system and the quality of service rendered by the legal profession.

Rule 2. Definitions

In these Rules,

- A.** "Approved course" means a course approved by the Board.
- B.** "Approved legal services provider" means a legal services organization that meets at least one of the following criteria:
 - (1) Funded by the Legal Services Corporation, or the Minnesota Legal Services Advisory Committee; or
 - (2) Designated by the Minnesota Legal Services Advisory Committee as an approved legal service provider. Eligibility for designation is limited to:
 - (a) Programs providing pro bono legal representation within 501(c)(3) nonprofit organizations that have as their primary purpose the furnishing of legal services to individuals with limited means.
 - (b) Law firms, law libraries, or bar associations that conduct programs that have as their primary purpose the furnishing of legal services to individuals with limited means and are under the supervision of a pro bono coordinator or designated lawyer.
 - (c) Law firms that provide pro bono legal services on behalf of a Minnesota Judicial Branch program, including but not limited to, the Guardian ad Litem Program.
- C.** "Board" means the State Board of Continuing Legal Education.
- D.** "Chairperson" means the Chairperson of the Board.
- E.** "Classroom setting" means a room, including an office, suitably appointed with chairs, writing surfaces, lecterns and other normal accouterments of a teaching room, which is exclusively devoted to the educational activity being presented.
- F.** "Course in ethics or professional responsibility" means a course or session within a course that deals with the Minnesota Rules of Professional Conduct, the ABA Model Rules of Professional Conduct, the rules of professional conduct or professional responsibility of other jurisdictions, or the opinions and case law arising from the application of any of the above-specified rules, including a course or session within a course that addresses in a specific way concepts such as professionalism, civility and ethical conduct in the practice of law and in the legal profession.

- G.** “Course in the elimination of bias in the legal profession and in the practice of law” means a course directly related to the practice of law that is designed to educate attorneys to identify and eliminate from the legal profession and from the practice of law biases against persons because of race, gender, economic status, creed, color, religion, national origin, disability, age or sexual orientation.
- H.** “Court” means the Supreme Court of the State of Minnesota.
- I.** “Director” means the Director of the Board.
- J.** “Emeritus status” is the status of a lawyer who has filed a Retirement Affidavit pursuant to Rule 2(C)(5) of the Rules of the Supreme Court on Lawyer Registration, is not on involuntary restricted status, has submitted an Affidavit of Emeritus Status Appendix IV showing compliance with the requirements of CLE Rule 14, and is authorized by Rule 14 to provide pro bono legal representation to a pro bono client when referred by an approved legal services provider. Emeritus status lawyers remain on restricted status.
- K.** “Established continuing legal education course sponsor,” for the purposes of Rule 5B, is a person or entity regularly retained by firms or organizations for the purpose of presenting continuing legal education programs, which is completely independent of the firm or organization for whose members the continuing legal education course is presented.
- L.** “Fee” means funds made payable to the Minnesota State Board of Continuing Legal Education.
- M.** “In-house course” means a course sponsored by a single private law firm, a single corporation or financial institution, or by a single federal, state or local governmental agency for lawyers who are members or employees of any of the above organizations.
- N.** “Involuntary restricted status” means the status of a lawyer licensed in Minnesota who is not in compliance with the educational and reporting requirements of these Rules and who has been involuntarily placed in that status by order of the Court. See Rule 12 for additional provisions.
- O.** “Laboratory setting” means a mock courtroom, law office, negotiation table, or other simulated setting in which demonstrations are given, role-playing is carried out or lawyers’ activities are taught by example or participation.
- P.** “Law and literature course” means a course that meets the requirements of Rules 4D and 5A, based upon a literary text and designed to generate discussion, insight, and learning about topics such as the practice of law, the history and philosophy of law, rhetoric, lawyers’ professional or ethical responsibilities, professional development, and the elimination of bias in the legal profession and in the practice of law.
- Q.** “Moderator” means an individual, knowledgeable in the topic or topics addressed by the course, who guides the discussion and answers questions related to the material presented.
- R.** “On-demand course” means archived CLE programming that meets all the requirements of Rule 5A and is available to participants at any time.

- S. “Participant” means a lawyer licensed in Minnesota attending an approved course and actively engaged in the subject matter being presented.
- T. “Pro bono client” means an individual, who is not a corporation or other organizational entity, and who has been referred to the lawyer by an approved legal services provider or by a state or federal court program.
- U. “Pro bono legal representation” means providing legal representation to a pro bono client without compensation, expectation of compensation, or other direct or indirect pecuniary gain.
- V. “Professional development course” means a course or session within a course designed to enhance the development and performance of lawyers by addressing issues such as career satisfaction and renewal, stress management, mental or emotional health, substance abuse, and gambling addiction. Professional development courses do not include individual or group therapy sessions.
- W. “Restricted status” means the status of a lawyer licensed in Minnesota who has voluntarily chosen not to comply with the educational and reporting requirements of these Rules. See Rule 12 for additional provisions.
- X. “Submit” means to communicate information to the Board office in writing or electronic submission:
 - (1) through the Board’s Online Attorney and Sponsor Integrated System (OASIS);
 - (2) by regular U.S. Mail; or
 - (3) by delivery.
- Y. “Law office management course” is a course or session within a course designed to enhance the efficient and effective management of the law office by addressing topics of mentoring, staff development, and technology related to a law office.

Rule 3. State Board of Continuing Legal Education

- A. **Membership of the Board.** The Court shall appoint twelve members and a Chairperson. The membership of the Board shall consist of:
 - (1) 3 members of the public;
 - (2) 1 member who is a district court judge;
 - (3) 6 lawyer members who are nominated by the Minnesota State Bar Association; and
 - (4) 3 lawyer members who are nominated by the Court.
- B. **Terms of Members.** Appointments shall be for staggered 3-year terms, with no member serving more than two 3-year terms, and each member serving until a successor is appointed and qualifies.
- C. **Officers of the Board.**
 - (1) **Chairperson.** The Chairperson of the Board shall be appointed by the Court for such time as it shall designate and shall serve at the pleasure of the Court.

(2) **Vice Chairperson.** A Vice Chairperson shall be designated by the Chairperson and shall maintain the minutes of meetings of the Board.

D. Authority of the Board. Subject to the general direction of the Court in all matters, the Board:

- (1) shall have supervisory authority over the administration of these Rules, shall approve courses and programs which satisfy the educational requirements of these Rules, and shall have authority to grant waivers of strict compliance with these Rules or extensions of time deadlines provided in these Rules in cases of hardship or other compelling reasons;
- (2) shall have supervisory authority over the administration of the Rules of the Supreme Court on Lawyer Registration; and
- (3) may adopt policies and forms not inconsistent with these Rules or the Rules of the Supreme Court on Lawyer Registration governing the conduct of business and performance of its duties.

E. Board Procedures. Robert's Rules of Order shall govern the conduct of Board meetings where practicable.

F. Confidentiality. Unless otherwise directed by the Court, the files, records, and proceedings of the Board, as they may relate to or arise out of any failure of an active lawyer to satisfy the continuing legal education requirements, shall be deemed confidential and shall not be disclosed except in furtherance of the Board's duties, or upon request of the lawyer affected, or as they may be introduced in evidence or otherwise produced in proceedings in accordance with these Rules.

G. Persons with Disabilities. It is the policy of the Board to administer these Rules in a manner consistent with state and federal laws prohibiting discrimination against persons with disabilities and to make reasonable modifications in any policies, practices, and procedures that might otherwise deny equal access to individuals with disabilities.

H. Payment of Expenses. The Chairperson, the Vice Chairperson and other members of the Board shall serve without compensation, but shall be paid reasonable and necessary expenses certified to have been incurred in the performance of their duties.

Rule 4. Applying for Credit; Fees

A. Course Approval and Fee Information. No segment of any course shall be approved in more than one credit category. In applying for course approval, a sponsoring agency or lawyer shall submit to the Board an application for course approval (see Appendix I) and include the following:

- (1) Name and contact information for the sponsor;
- (2) Title of the program under consideration;
- (3) City and state where the program is held;
- (4) Names and credentials of the speakers, including those of persons designated to act as moderators for video or satellite programs;

- (5) Type of presentation;
- (6) Agenda or course schedule showing beginning and ending times of each session and the date(s) on which the program is presented;
- (7) For each segment of the course, credit may be requested in one of the following categories:
 - (a) standard, including professional development and law office management
 - (b) ethics and/or professional responsibility
 - (c) elimination of bias
- (8) Fees
 - (a) A fee in the amount of \$35 shall be paid when an application for course approval is submitted by means other than through the Board's Online Attorney and Sponsor Integrated System (OASIS).
 - (b) A fee in the amount of \$20 shall be paid when an application for course approval is submitted electronically through the Board's Online Attorney and Sponsor Integrated System (OASIS).
 - (c) Fees for course approval may be subject to waiver under the provisions of Rule 3D(1).
 - (d) A fee is not required when submitting an application for either of the following types of courses meeting Rule 4 and Rule 5 requirements:
 - (i) a previously approved course that has been recorded and is replayed at a later date in its entirety; or
 - (ii) a live course 60 minutes or less in duration.
- (9) Expected audience or target audience to which the program is marketed; and
- (10) Such other information as the Board may require.

B. Professional Responsibility or Ethics: General Treatment. Every application for course approval must include:

- (1) A description of the general treatment of professional responsibility or ethical considerations; or
- (2) An explanation of why professional responsibility or ethical considerations are not included.

C. Sanctions for Failure to Include Ethics. If in the opinion of the Board, the general treatment of professional responsibility or legal ethics topics within courses approved as standard continuing legal education is inadequate without satisfactory explanation, the Board may refuse to grant full credit for all hours in attendance, impose a deduction from credit hours which would

otherwise be granted, and in the case of persistent refusal to cover these topics, refuse to grant further credit for courses offered by the sponsor.

D. Law and Literature. A “law and literature course” that otherwise meets the course approval requirements set forth in Rule 5(A) will be approved for credit if the application for course approval includes the following:

- (1) A narrative describing the course learning goals and discussion topics.
- (2) Evidence that program registrants are instructed to read the designated literary text prior to attending the course.

No credit will be granted for the time that participants spend reading the designated literary text prior to attending the course.

E. Notice of Credit. The Board shall inform the sponsor or applicant of the number and type of credit hours granted or denied. This information will also be posted on the Board’s website.

Rule 5. Standards for Course Approval

A. General Standards. A course must meet the following standards before approval is granted.

- (1) The course shall have significant intellectual or practical content.
- (2) The course shall deal primarily with matter directly related to the practice of law, the professional responsibility or ethical obligations of lawyers, the elimination of bias in the legal profession and in the practice of law, law office management, or the professional development of lawyers.
- (3) The course shall be taught by faculty members qualified by practical or academic experience to teach the specified subject matter. Legal subjects shall be taught by lawyers.
- (4) Any written materials should be thorough, high quality, readable, carefully prepared, and distributed to all participants at or before the time the course is offered.
- (5) The course shall be presented and attended in a suitable classroom or laboratory setting. A course presented via video recording, simultaneous broadcast, teleconference, or audiotape, or available on-demand or by podcast, may be approved provided that it complies with Rule 6E and a faculty member or moderator is accessible to all participants, either in person or via electronic means, allowing all participants to have access to and participate in the question and answer session. No course will be approved which involves solely correspondence work or self-study.
- (6) Credit will not normally be given for speeches at luncheons or banquets.
- (7) A list of all participants shall be maintained by the course sponsor and transmitted to the Board upon request, following the presentation of the course.

- (8) Credit shall be awarded on the basis of one credit hour for each 60 minutes of instruction at an approved course.
- (9) A lawyer shall not receive credit for any course attended before being admitted to practice law in Minnesota, but one so admitted may receive credit of one hour for each 60 minutes actually spent in attendance, for attending for credit or as an auditor, a regular course offered by a law school approved by the American Bar Association.
- (10) Notwithstanding the provisions of paragraph (9) above, a person who takes approved courses or teaches in an approved course after sitting for the Minnesota Bar Examination, but before admission to practice, may claim credit for the courses taken or the teaching done, if he or she passes that bar examination.

B. Standards for Course Approval for In-House Courses.

- (1) An in-house course as defined in Rule 2M will be approved if:
 - (a) The requirements of Rule 5A and other applicable Rules are met;
 - (b) 25% of the hours of approved instruction are taught by instructors having no continuing relationship or employment with the sponsoring firm, department, financial institution or agency; and
 - (c) Notice of the course is given to enough outside lawyers so that the audience can potentially be composed of at least 25% participants who are not lawyers working in or for the sponsoring firm, department, institution or agency.
- (2) An in-house course as defined in Rule 2M that is presented and controlled by an established continuing legal education course sponsor as defined in Rule 2K, may be approved for credit, notwithstanding the fact that the course does not comply with requirements of Rule 5B(1) (b) and (c) above.
- (3) An in-house course as defined in Rule 2M shall not be approved for credit if it is presented primarily for clients or clients' counsel.

Rule 6. Special Categories of Credit

- A. Ethics and Professional Responsibility.** To be approved for ethics credits, the courses or sessions within the course approved must meet the following requirements:
 - (1) Be at least 30 minutes in length; and
 - (2) Be separately identified as ethics or professional responsibility on the course agenda and on the Course Approval Form at Appendix I.
- B. Elimination of Bias in the Legal Profession and in the Practice of Law.** To be approved for elimination of bias credit, the courses or sessions within such courses must meet the following requirements:

- (1) Be at least 60 minutes in length;
- (2) Be identified on the application as fulfilling the elimination of bias requirement and be accompanied by a narrative describing how the course or sessions of the course meet one or more of the learning goals as described in the Course Approval Form at Appendix I;
- (3) Focus on issues in the legal profession and in the practice of law and not issues of bias in society in general; and
- (4) Not include courses on the substantive law of illegal discrimination unless such courses meet one or more of the learning goals for elimination of bias courses set forth in the Course Approval Form at Appendix I.

C. Pro Bono Legal Representation. A lawyer may claim 1 hour of standard CLE credit for every 6 hours of pro bono legal representation as defined by Rule 2U that the lawyer provides to a pro bono client as defined by Rule 2T in a legal matter that has been referred to the lawyer by an approved legal services provider as defined by Rule 2B or by a state court or federal court program. No more than 6 hours of credit may be claimed per reporting period by a lawyer for pro bono legal representation. In order to receive CLE credit the lawyer must submit an Affidavit of Pro Bono Representation to the Board (see Appendix II).

D. On-Demand Courses. A lawyer may claim up to 15 hours of credit within the 45 hour CLE period for on-demand courses as defined in Rule 2R, subject to the following:

- (1) The course meets all other requirements of Rules 2, 5, and 6;
- (2) The course sponsor agrees to have one or more faculty members accessible to all participants via electronic or other means through the 24 month period during which the program is approved for Minnesota CLE credit;
- (3) The course sponsor or course applicant completes and submits to the Board an application for course approval; and
- (4) The approval for an on-demand course is valid for 24 months after that date of approval by the Board office.

Rule 7. Other Credit

A. Teaching Credit. Credit for teaching in an approved, live (not previously recorded) course shall be awarded to presenting faculty on the basis of one credit for each 60 minutes spent by the faculty preparing the presentation and materials for the course and teaching the course. No credit shall be awarded for teaching directed primarily to persons preparing for admission to practice law. A lawyer seeking credit for teaching and preparation for teaching shall submit to the Board all information called for on the Affidavit of CLE Compliance at Appendix III.

B. Courses at Universities. Courses that are part of a regular curriculum at a college or university, other than a law school, may be approved for a maximum of 15 hours per course when the lawyer requesting approval submits evidence supporting the conclusion that the course meets the Rule

5A(1) through (5) criteria and that it is directly related to the requesting lawyer's practice of law. Teaching credit shall not be awarded for courses approved under this paragraph.

- C. Retroactive Credit.** A lawyer, or a course sponsor, may seek retroactive approval of courses by submitting the necessary information and fees required in Rule 4A. (See Course Approval Form at Appendix I.)

Rule 8. Announcement of Approval

Any person may announce, as to an approved course: This course has been approved by the Minnesota State Board of Continuing Legal Education for _____ hours in the following category or categories of credit:

- (a) standard continuing legal education;
- (b) ethics or professional responsibility continuing legal education; or
- (c) elimination of bias continuing legal education.

Rule 9. Affidavit of CLE Compliance

- A. Contents of Affidavit.** To maintain active status, a lawyer shall report participation in no fewer than 45 credit hours of approved continuing legal education courses within a single reporting period that are in compliance with the provisions of Rule 9B. A lawyer may report the credits through the Board's Online Attorney and Sponsor Integrated System (OASIS) or by Affidavit of CLE Compliance (Appendix III). Effective July 1, 2010, the Affidavit of CLE Compliance (Appendix III) must be accompanied by a \$10 processing fee. There is no processing fee for submission through OASIS.
- B. Special Categories of Credit.** Lawyers must report:
- (1) no fewer than 3 hours of approved courses in ethics or professional responsibility;
 - (2) no fewer than 2 hours of approved courses in the elimination of bias in the legal profession and in the practice of law;
 - (3) no more than 6 hours of credit for pro bono legal representation provided pursuant to Rule 6D and reported by Appendix II; and
 - (4) no more than 15 hours of credit for on-demand courses.
- C. Timely Affidavit.** The affidavit must be received by the Board office or postmarked no later than August 31 following the close of the final year of the 3-year period specified by the Lawyer Registration Office as a lawyer's continuing legal education category. Electronic affidavits must be submitted on or before August 31.
- D. Late Affidavit Fee.** A lawyer who submits an Affidavit of CLE Compliance after the deadline specified in paragraph C above, but before issuance of a notice of noncompliance, shall submit along with the late affidavit a late filing fee in the amount of \$75.00. This fee is payable notwithstanding the Board's grant of an extension of time. Additional late fees will not be charged for late affidavits filed within a single reporting period.

- E. Notice of Noncompliance Fee.** A lawyer who submits an Affidavit of CLE Compliance after the Board has issued a notice of noncompliance, but before the Court has issued an order placing the lawyer on involuntary restricted status, shall submit along with the affidavit a notice of noncompliance fee in the amount of \$200.
- F. Active Duty Military Service.** A lawyer called to active duty military service who requests an extension of time to complete CLE requirements because of active duty military service shall be granted an extension of at least six months from the date of return from active duty status. Upon request, the Board shall grant a waiver of a late filing fee or a notice of non-compliance fee assessed as a result of the lawyer's active duty military status.

Rule 10. Director's Determinations and Board Review

- A. Director's Determinations.** The Director has the following authority and responsibility:
 - (1) To respond in writing to written requests for course approval, giving reasons for the determination;
 - (2) To grant credit to lawyers for participating in or teaching approved courses;
 - (3) To grant or deny requests for transfer, waiver, extension of time deadlines or interpretation of these Rules; and
 - (4) To inform the Board about determinations made since the Board's last meeting, together with observations and comments relating to matters under the Board's jurisdiction.
- B. Board Review.** A lawyer or sponsoring agency affected by an adverse determination of the Director may request Board review of the determination and may present information to the Board in writing and in person. The Board may take such action as it deems appropriate and shall advise the lawyer or sponsoring agency of its determination.

Rule 11. Notice of Noncompliance

- A. Notice Required.** The Director shall send a notice of noncompliance to any lawyer who:
 - (1) Fails to meet the requirements of these Rules; and
 - (2) Fails to request and obtain an extension of time in which to file an Affidavit of CLE Compliance as required by these Rules.
- B. Service of Notice.** The notice shall be sent by regular mail to the lawyer's address of record with the Lawyer Registration Office.
- C. Contents of Notice.** The notice shall state the nature of the noncompliance and shall inform the lawyer of the right to request a hearing within 30 days of the mailing of the notice, the right to be represented by counsel, and the right to present witnesses and evidence.

- D. Effect of Notice.** If no hearing is requested, the Director's determination of noncompliance shall become final and shall be reported to the Court with the recommendation that the lawyer be placed on involuntary restricted status.
- E. Board Hearing.** If a hearing is requested, the following apply:
- (1) The Board may employ special counsel;
 - (2) The Chairperson shall preside at the hearing, which may be held before the entire Board or a committee appointed by the Chairperson, and shall make necessary rulings; and
 - (3) The hearing shall be recorded and a transcript shall be provided to the lawyer at a reasonable cost.
- F. Decision.** Following the hearing, the Board shall issue a written decision. If the lawyer is determined to be in noncompliance with these Rules, the Board may recommend to the Court that the lawyer be placed on involuntary restricted status or take other appropriate action.
- G. Petition for Review.** A lawyer who is adversely affected by the decision of the Board may appeal to the Court by filing a petition for review with the Clerk of Appellate Courts within 20 days of receipt by the lawyer of the decision together with proof of service of the petition on the Director. The petition shall state briefly the facts that form the basis for the petition and the lawyer's reasons for believing the Court should review the decision. Within 20 days of service of the petition, the Board shall serve and file a response to the petition and a copy of the final decision of the Board. Thereupon, the Court shall give such direction, hold such hearings and issue such orders as it may in its discretion deem appropriate.

Rule 12. Restricted and Involuntary Restricted Status

- A. Election of Restricted Status.** A lawyer duly admitted to practice in this state may elect restricted status as defined in Rule 2W by sending written notice of such election to the Director, except that a referee or judicial officer of any court of record of the State of Minnesota or lawyer employed and serving as attorney or legal counsel for any employer, including any governmental unit of the State of Minnesota, is not eligible to apply for restricted status. A lawyer on restricted status shall not be required to satisfy the educational and reporting requirements of these Rules.
- B. Restrictions Imposed.** A lawyer on restricted or involuntary restricted status shall be subject to the following provisions and restrictions:
- (1) The lawyer may not engage in the practice of law or represent any person or entity in any legal matter or proceedings within the State of Minnesota other than himself or herself, except as provided in Rule 14.
 - (2) The name of the lawyer may not appear on law firm letterhead without a qualification that the lawyer's Minnesota license is restricted. A law firm name may continue to include the lawyer's name if the name was included prior to the lawyer's placement on restricted or involuntary restricted status. The lawyer may not be listed "of counsel" or otherwise be represented to clients or others as being able to undertake legal business.

- (3) The lawyer may not have a financial interest in a law firm that is a professional corporation.

C. Transfer from Restricted Status to Active Status.

- (1) **Notice to Director and Fee.** Unless otherwise ordered by the Court, a lawyer on restricted status who desires to resume active status shall notify the Director in writing of the lawyer's intention to resume active status and submit a transfer fee of \$125.
- (2) **Transfer Requirements.** A lawyer on restricted status shall be transferred to active status upon the Director's determination that the lawyer has fulfilled the requirements of (a) or (b) below:
- (a) **Automatic transfer requirements.** The lawyer has completed the number of CLE hours that the lawyer would have had to complete to meet reporting requirements and to be current on a proportional basis had the lawyer not been on restricted status, or
 - (b) **Discretionary transfer requirements.** The lawyer has completed such lesser requirements as the Director determines are adequate provided that the number of hours completed total no fewer than 45 hours during the 3 years immediately preceding transfer. The Director will specify no more than 90 hours. Determinations will be made subject to the criteria set forth in paragraph (c) below. The Director shall report to the Board at its next meeting the terms and conditions upon which each transfer to active status was made.
 - (c) **Discretionary transfer criteria.** The Director may transfer a lawyer to active status when the lawyer has fulfilled appropriate CLE conditions precedent or agreed to fulfill appropriate CLE conditions subsequent as determined by the Director. In making discretionary transfer decisions, the Director will take the following into consideration:
 - i. The number of CLE hours the lawyer has taken in the past;
 - ii. The lawyer's other educational activity;
 - iii. The lawyer's practice of law in another jurisdiction;
 - iv. The lawyer's law-related work other than the practice of law;
 - v. Whether the lawyer acted reasonably in not anticipating the need to take the appropriate number of CLE hours before being transferred from active status; and
 - vi. Whether the lawyer has demonstrated circumstances of hardship or other compelling reasons that show that the lawyer should be transferred to active status before completing the appropriate number of CLE hours.

- (3) **Failure to Abide by Transfer Conditions.** A lawyer who fails to comply with the conditions of transfer shall be restored to restricted status upon notice from the Director sent by regular mail to the lawyer's last known address.
- (4) **Appeal to the Board.** Upon written request from a lawyer, the Board shall review the Director's determination of transfer requirements and notify the lawyer in writing regarding the outcome of that review.

D. Transfer from Involuntary Restricted Status to Active Status.

- (1) **Notice to Director and Fee.** Unless otherwise ordered by the Court, a lawyer on involuntary restricted status who desires to resume active status shall notify the Director in writing of the lawyer's intention to resume active status and submit a transfer fee of \$250.
- (2) **Transfer Requirements.** Unless otherwise ordered by the Court, the Director shall recommend to the Court that a lawyer on involuntary restricted status be transferred to active status upon the Director's determination that the lawyer has completed the number of CLE hours that the lawyer would have had to complete to meet reporting requirements and to be current on a proportional basis had the lawyer not been placed on involuntary restricted status, or that the lawyer has completed such lesser requirements as the Director determines are adequate provided that the number of hours completed total no fewer than 45 hours during the 3 years immediately preceding transfer. The Director will specify no more than 90 hours. The Director may recommend to the Court that a lawyer on involuntary restricted status be transferred to active status when the lawyer has fulfilled appropriate CLE conditions precedent or agreed to fulfill appropriate CLE conditions subsequent as determined by the Director. In making such a recommendation, the Director will take into consideration the discretionary transfer criteria in section (C)(2)(c) of this Rule.
- (3) **Appeal to the Board.** Upon written request from a lawyer, the Board shall review the Director's determination of transfer requirements and notify the lawyer in writing regarding the outcome of that review.

- E. Transfer from Involuntary Restricted Status to Voluntary Restricted Status.** Unless otherwise ordered by the Court, a lawyer on involuntary restricted status who desires to transfer to restricted status shall notify the Director in writing and submit a transfer fee in the amount of \$250.

Rule 13. Retired Status

- A. Transfer from Active Status to Retired Status.** A lawyer who files a Retirement Affidavit with the Lawyer Registration Office and who is placed on inactive status by the Lawyer Registration Office shall be transferred to voluntary restricted status by the CLE Board,
- B. Transfer from Retired Status to Active Status.** In addition to notifying the Lawyer Registration Office of the lawyer's intention to transfer to active status, a lawyer must satisfy the provision of Rule 12C before the Board returns the lawyer to active CLE status.

Rule 14. Emeritus Status

- A. Qualification.** A lawyer who has filed a Retirement Affidavit pursuant to Rule 2(C)(5) of the Rules of the Supreme Court on Lawyer Registration and who has elected restricted status under the CLE Rules may elect emeritus status by complying with the requirements for emeritus status listed below.
- B. Limitation of Practice.** A lawyer on emeritus status is authorized solely to provide pro bono legal representation to a pro bono client in a matter referred to the lawyer by an approved legal services provider.
- C. Contents of Emeritus Affidavit Appendix IV.** Prior to representation as described by Rule 14B, the lawyer shall complete and submit to the Board an affidavit of emeritus status (Appendix IV) which shall include the following:
- (1) The list of approved CLE courses that the lawyer has attended or participated in during the 90-day period immediately preceding the submission of the emeritus affidavit, totaling no fewer than 5 credit hours of approved continuing legal education courses, and including:
 - (a) 3 credit hours in approved courses in the substantive area of law in which the lawyer intends to be performing pro bono services;
 - (b) 1 credit hour approved as ethics or professional responsibility; and
 - (c) 1 credit hour approved as elimination of bias in the legal profession and in the practice of law;
 - (2) A certification signed by the emeritus lawyer, affirming that if the lawyer provides pro bono representation in multiple areas such as in a brief advice clinic, the lawyer shall obtain the necessary training and resources to provide those services in a competent and ethical manner.
- D. Transfer to Emeritus Status.** When a lawyer submits an affidavit of emeritus status, the Board office shall verify the information and shall, for a period of three years, maintain a public posting on the Board's website listing the lawyer's name as being on emeritus status.
- E. Expiration of Emeritus Status.** Emeritus status shall expire three years from the date that the lawyer's name is posted. A lawyer shall not represent clients after expiration of the lawyer's emeritus status.
- F. Renewal of Emeritus Status.** Prior to the expiration of a lawyer's emeritus status, the lawyer may renew emeritus status by submitting to the Board an affidavit of emeritus status (Appendix IV) which shall include the following:
- (1) The list of approved CLE courses attended or participated in by the lawyer during the three-year period immediately preceding the submission of the emeritus affidavit, totaling no fewer than 5 credit hours of approved continuing legal education courses, and including:
 - (a) 3 credit hours in approved courses in the substantive area of law in which the lawyer intends to perform pro bono services;

- (b) 1 credit hour approved as ethics or professional responsibility; and
 - (c) 1 credit hour approved as elimination of bias in the legal profession and in the practice of law.
- (2) A certification signed by the emeritus lawyer, affirming that when lawyer provides pro bono representation in multiple areas such as in a brief advice clinic, lawyer shall obtain the necessary training and resources to provide those services in a competent and ethical manner.